



5/17/2010

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EXPEDITORS INTERNATIONAL
OF WASHINGTON, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOGITECH EUROPE S.A., a Swiss
corporation; and LOGITECH INC., a California
corporation,

Plaintiffs,

v.

EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC., a Washington
corporation, and DOES 1 through 1000,
inclusive,

Defendants.

No. CV 10-00374 JW

**STIPULATION IN SUPPORT OF
EXPEDITORS MOTION RE:
WITHDRAWAL OF CONFIDENTIAL
MATERIAL AND FOR LEAVE TO
FILE UNDER SEAL [CIVIL L.R. 79-5]**

Date: N/A
Time: N/A
Location: Department 21
Honorable James Ware

THE PARTIES, BY AND THROUGH THEIR COUNSEL, STIPULATE AS FOLLOWS:

1. On January 26, 2010, Logitech Europe S.A. and Logitech Inc. (collectively "Logitech") filed a complaint against Expeditors International of Washington, Inc. ("Expeditors") in the Santa Clara Superior Court. At the same time, it also filed papers in support of a Temporary Restraining Order ("TRO"). Expeditors removed the action on January 27, 2010, and filed its Opposition to the TRO on February 1, 2010.

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2. Expeditors asserts that in the filings described in paragraph 1 above, the parties filed the materials described in Exhibit 1, attached hereto, which contain commercially sensitive, trade secret and/or confidential information that are subject to several confidentiality agreements between the parties. The agreements include the Logitech Inc. Freight Services Agreement of August 1, 2007, at paragraph 9 (Lanzing Decl., ¶2, Exh. A, [Dkt. 18-1]), the Logitech Europe S.A. Freight Services Agreement of July 1, 2007, at paragraph 9 (Rapkin Decl. ¶2, Exh. A, [Dkt. 13-1]) and the Logitech Europe S.A. Freight Services Agreement of September 28, 2005, at paragraph 9 (Compl., Exh. A, [Dkt. 1, pp. 51-54]) which state in pertinent part:

Confidential information includes but is not limited to all information...including without limitation...information relating to research, development, products, methods of manufacture, trade secrets, business plans, customers, vendors, finances...and other material or information considered proprietary by the disclosing party...

A stand-alone Nondisclosure Agreement was also signed by Expeditors International B.V. and Logitech Europe S.A. effective November 26, 2008, which established mutual nondisclosure obligations regarding Confidential Information which is defined to include:

any information...such as (a) trade secrets, (b) financial information, including pricing, (c) business information including operations, suppliers, planning, customers, business opportunities, marketing interests... (Nott Decl., ¶4, Exh. 3.)

Logitech does not concede the applicability of these provisions to any of the Filings referred to in paragraph 1 hereof, but does not wish to expend litigation resources in resolving that dispute at this time.

3. Based on Expeditors' representations that these materials contain commercially sensitive, trade secret and/or confidential information, and upon Logitech's preference not to litigate the confidentiality of such materials at this time, the parties stipulate that all copies of these materials may be removed by the Clerk from the Court's files and returned to counsel for the party in whose filings the materials appear.

1 4. The parties further stipulate and agree that they may re-file such returned
2 materials under seal subject to an Order of this Court under to Civil L.R. 79-5.

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4 IT IS SO STIPULATED

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6 DATED: April 20, 2010

7 ORRICK, HERRINGTON & SUTCLIFFE, LLP

8
9 By: 

Nikka N. Rapkin
Attorneys for Plaintiffs
LOGITECH EUROPE S.A.
and LOGITECH, INC.

10
11
12 DATED: April 20, 2010

13 BARTKO, ZANKEL, TARRANT & MILLER
14 A Professional Corporation

15
16 By: 

Howard I. Miller
Attorneys for Defendants
EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC